

REMARKS

Reconsideration of this application in light of the above amendments and following comments is courteously solicited.

Newly amended independent claim 11 has been extensively amended to distinguish over the cited and applied prior art references. For the Examiner's convenience, independent claim 11 is set forth hereinbelow with the added critical limitations being set forth in boldface.

11. (Amended) A mold shaped article comprising a **de-molded, mold shaped** foamed metal body having at least one non-foamable functional structural element **metallurgically bonded and fixedly** embedded in the foamed body.

It is respectfully submitted that claim 11 and the claims which depend therefrom patentably define over the art of record for the reasons set forth hereinbelow.

The Examiner applied U.S. Patent 3,834,881 under 35 U.S.C. 102 against original claim 11. It is submitted that claim 11 as amended clearly distinguishes over the '881 patent. Firstly, the laminated structure of the '881 patent is not prepared in a mold. Claim 11 clearly calls for a **mold shaped** foamed metal body. In addition, the '881

patent secures the structurally functional element by either an adhesive or mechanical bonding. Claim 11 clearly calls for **metallurgically bonded and fixedly** embedded structural elements. Accordingly, it is clear that claim 11 as amended clearly is not anticipated nor rendered obvious by the '881 document.

The Examiner has further applied U.S. Patent 3,711,363 under 35 U.S.C. 102. This patent is defective for the same reasons set forth above with regard to the '881 patent. In the '363 patent there are two layers of material fastened to a foam core by using either a mechanical bond or an adhesive. The foam is produced by a melt-process. Claim 11 has been amended to clearly distinguish over the '363 patent.

The Examiner has also cited U.S. Patent 3,848,666 under 35 U.S.C. 102 against previously submitted independent claim 1. It is respectfully submitted that this reference is not applicable to amended claim 11 as presented herein. The Examiner when referring to the '666 patent refers to the intermediate form before de-molding. In order to remove this as an issue, claim 11 has been amended so as to clearly set forth that the article comprises a **de-molded, mold shaped** foamed metal body. Accordingly, the intermediate product of the '661 document

cannot be said to anticipate or render obvious the subject matter of claim 11 as the intermediate product is still contained within the mold and thus does not constitute a **de-molded** mold shaped article. It should be pointed out that the final product of the '666 patent does not include non foamable structural elements **metallurgically bonded and fixedly** embedded in the foam body. The Examiner has applied U.S. Patent 3,941,182 to originally filed independent claim 11. Again, for the reasons noted above, the '182 patent is not applicable to claim 11 as amended herein. Again the '182 patent requires an adhesive promoting material which is used on the structural reinforcing elements to bond the reinforcing elements to the foamed metal body. Accordingly, the structural elements are not **metallurgically bonded** as required in amended claim 11.

U.S. Patent 5,482,533 is likewise defective for the reasons set forth above with regard to the other discussed prior art references. The '533 patent discloses the production of holes in a foamed body. The rods are removed from the final product and no bonding of the rods to the foam is accomplished, surely, no metallurgical bond.

The final reference applied by the Examiner is U.S. Patent 6,135,542. With regard to this reference, again it

is pointed out that claim 11 as amended sets forth a **de-molded, mold shaped** foamed metal body having at least one non foamable functional structural element **metallurgically bonded and fixedly** embedded in the foamed body. The '542 patent cannot be said to teach, disclose suggest or render obvious this structure.

In addition, Applicants have added new dependent claim 17. Dependent claim 17 sets forth that the mold shaped foamed metal body is from powdered metal.

In light of the foregoing, it is submitted that claim 11 and all of the claims which depend therefrom patentably define over the art of record and an early indication of same is respectfully requested.

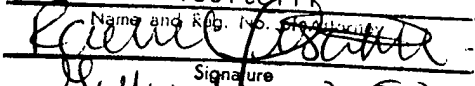
An earnest and thorough attempt has been made by the undersigned to resolve the outstanding issues in this case and place same in condition for allowance. If the Examiner has any questions or feels that a telephone or personal interview would be helpful in resolving any outstanding issues which remain in this application after consideration of this amendment, the Examiner is courteously invited to telephone the undersigned and the same would be gratefully appreciated.

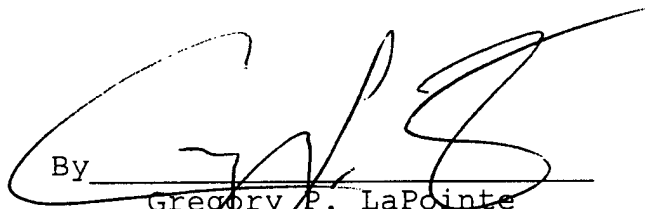
It is submitted that the claims as amended herein patentably define over the art relied on by the Examiner and early allowance of same is courteously solicited.

If any fees are required in connection with this case, it is respectfully requested that they be charged to Deposit Account No. 02-0184.

Respectfully submitted,

Eric Wolfsgruber et al.

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Signature
July 11, 2002
Date of Signature

By 
Gregory P. LaPointe
Attorney for Applicants
Reg. No. 28,395
Tel: (203) 777-6628
Fax: (203) 865-0297

Date: July 11, 2002

Version with markings to show changes made to the claim

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TC 1700